Order

Michigan Supreme Court
Lansing, Michigan

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

October 21, 2026

ADM File No. 2025-25

Proposed Amendment of
Rule 2.116 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.116 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 2.116 Summary Disposition

(A)-(H) [Unchanged.]

(I) Disposition by Court; Immediate Trial.

(1) If the pleadings show that a party is entitled to judgment as a matter of law, or if the affidavits or other proofs show that there is no genuine issue of material fact, the court shall render judgment without delay after providing the parties with notice and a reasonable opportunity to be heard.

(2) If it appears to the court that the opposing party, rather than the moving party, is entitled to judgment, the court may render judgment in favor of the opposing party after providing the parties with notice and a reasonable opportunity to be heard.

(3)-(5) [Unchanged.]

(J) [Unchanged.]

Staff Comment (ADM File No. 2025-25): The proposed amendment of MCR

2.116 would require courts to provide notice and a reasonable opportunity to be heard before sua sponte summarily dismissing a case or claim.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by **February 1, 2027**.

The Court asks commenters to submit written comments via the Court's website to the extent possible. **To submit a comment via the Court's website**, click on the "Comment on 2025-25" button under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters webpage. The Court also accepts comments by email. **To submit a comment by email**, please attach a Microsoft Word document to your email and send to ADMcomment@courts.mi.gov and refer to ADM File No. 2025-25. If you are unable to submit a written comment online or by email, the Court will accept comments during the written comment period mailed to P.O. Box 30052, Lansing, MI 48909. For more information on submitting public comments regarding Michigan Supreme Court rule proposals, see the Public Comments on Court Rule Proposals webpage.

Written comments may be posted on the One Court of Justice website under the chapter(s) affected by this proposal.

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 21, 2026

Clerk